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EXAMINER	
JEAN GILLES, JUDE	

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/905,010	ANSCHUTZ ET AL.	
	Examiner	Art Unit	
	Jude J Jean-Gilles	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed on 09/20/2001.

Claim Objections

1. Claims 12-14 are objected to because the applicant fails to end claim 12 with a period [*see MPEP 608.01 (m) [R-2] under the title "Form of Claims": Each Claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations; see Fressola v. Manbeck, 36 USPQ2d 1211 (D.D.C. 1995)*]. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salkewicz (U.S. *Patent No.* 6,609,153 B1) in view of Borella et al (U.S. *Patent No.* 6,708,219 B1).

Regarding **claim 1:** Salkewicz discloses the invention substantially as claimed. Salkewicz discloses a system for providing an Internet protocol (IP) address to an IP enabled device, the address enabling the IP enabled device to obtain IP services independent of an internet service provider (ISP) (*column 11, lines 22-36; fig. 1B*), comprising:

an access provider network comprising a plurality of managed Open Systems Interconnection (OSI) model layer 2 and layer 2/3 communications elements (*column 12; lines 50-53, 64-67*);

the IP enabled device in communication with the provider network via an access device (*fig. 1B, remote access server, router, Regional Backbone to Internet Backbone*); and

Salkewicz further teaches an IP aware e-center in communication with the provider network (*column 11, lines 16-21; fig. 13*), the e-center comprising an additional layer 3 communications element in communication with a host configuration server (*column 11, lines 12-15*) and one of the provider network layer 2/3 communications elements (*column 11, lines 57-67*). However, Salkewicz is silent on how the host configuration server provides the access device a first IP address for obtaining IP services offered with the provider network, and how the access device provides the IP enabled device a second IP address for obtaining IP services offered within the provider network.

In the same field of endeavor, Borella et al disclose a first computer network with a network address and a second computer network with a different network address, and said networks are connected with a network access service provider with a router that routes data packets to and from the first computer network to the second computer network, using network IP addresses (*column 5, lines 35-43; fig. 1, items 12-42*).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Borella et

al's teachings of dual network address utilization with the teachings of Salkewicz, for the purpose of improving the ability of a network user to change network domain as stated by Salkewicz in lines 40-41 of column 9.

Regarding **claim 3:** The combination Salkewicz-Borella et al teaches the system of claim 1, wherein the IP enabled device comprises a personal computer [*see Salkewicz, fig. 1B, end station; column 5, line 9*]. By this rationale **claim 3** is rejected.

Regarding **claim 4:** The combination Salkewicz-Borella et al teaches the system of claim 1, wherein the IP enabled device comprises an IP enabled appliance [see Salkewicz, *column 11; lines 16-22; 38-40; it is important to note that the node IN1 is the IP enabled device and the VNM0 virtual network machine that operates as a router is the appliance*]. By this rationale **claim 4** is rejected.

Regarding **claim 5:** The combination Salkewicz-Borella et al teaches the system of claim 1, wherein the e-center further comprises a user network management system in communication with the additional layer 3 communications [*see Salkewicz, column 15, lines 23-27*]. By this rationale **claim 5** is rejected.

Regarding **claim 6:** The combination Salkewicz-Borella et al teaches the system of claim 1, wherein the e-center further comprises a streaming media server in communication with the additional layer 3 communications element [*see Salkewicz, column 6, lines 13-14; column 12; lines 50-53*]. By this rationale **claim 6** is rejected.

Regarding **claim 7:** The combination Salkewicz-Borella et al teaches the system of claim 1, wherein the provider network further comprises a broadband access interface in communication with the one provider network layer 2/3 communications element [*see Salkewicz, column 11; lines 54-5; column 12; lines 64-67*]. By this rationale **claim 7** is rejected.

Regarding **claim 8:** The combination Salkewicz-Borella et al teaches the system of claim 1, wherein the IP enabled device resides on a local area network (LAN) in communication with the access device [*see Salkewicz, column 11, lines 54-59*]. By this rationale **claim 8** is rejected.

Regarding **claim 9:** The combination Salkewicz-Borella et al teaches the system of claim 8, wherein the access device utilizes Network Address Translation (NAT) protocol to provide the second address [see *Salkewicz, column 4, line 8; column 8, lines 22-34*]. By this rationale **claim 9** is rejected.

Regarding **claim 10:** The combination Salkewicz-Borella et al teaches the system of claim 1, wherein the host configuration server comprises a Dynamic Host Configuration Protocol (DHCP) server [*see Borella, column 5, lines 19-25*]. By this rationale **claim 10** is rejected.

Regarding **claim 11:** The combination Salkewicz-Borella et al teaches the system of claim 1, wherein the host configuration server comprises a Remote Authentication Dial In User Service (RADIUS) server [*see Salkewicz, column 15, lines 27-29*]. By this rationale **claim 11** is rejected.

Regarding **claim 12:** Salkewicz discloses the invention substantially as claimed. Salkewicz discloses a method for allowing an IP enabled device to obtain IP services available within an access provider network independent of an ISP (*column 11, lines 22-36, fig. 1B*), comprising:

providing a communication link between an IP aware e-center and a layer 2/3 communications element within the access provider network (*column 12, lines 64-67; column 13, lines 1-7*), the e-center comprising a layer 3 communications element (*column 12, lines 60-63*) in communication with a host configuration server (*column 11, 12-15; fig. 14*);

providing a first communication link between the IP enabled device and an access device (*column 12, lines 44-46; fig. 13*);

providing a second communication link between the access device and the layer 2/3 communications element (*column 12, lines 64-67; fig. 14*); and

However, Salkewicz is silent on how to transmit a first IP address to the device from the host configuration server over the first and second communication links via the access device.

In the same field of endeavor, Borella et al disclose a first computer network with a network address and a second computer network with a different network address, and said networks are connected with a network access service provider with a router that routes data packets to and from the first computer network to the second computer network, using network IP addresses (*column 5, lines 35-43; fig. 1, items 12-42*).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Borella et al's teachings of dual network address utilization with the teachings of Salkewicz, for the purpose of improving the ability of a network user to change network domain as stated by Salkewicz in lines 40-41 of column 9.

Regarding **claim 13:** The combination Salkewicz-Borella et al teaches the method of claim 12, wherein the transmitting step comprises transmitting the first IP address to the access gateway over the second communication link, generating at the access gateway a second IP address, and transmitting the second IP address to the IP enabled device over the first communication link [*see Borella, column 5, lines 29-52; fig. 1, items 12, 26-28, 36, and 42*]. By this rationale **claim 13** is rejected.

Regarding **claim 14:** The combination Salkewicz-Borella et al teaches the method of claim 13, wherein the generating is accomplished using NAT protocol [*see Borella, column 32-42*]. By this rationale **claim 14** is rejected.

Regarding **claim 15:** Salkewicz discloses the invention substantially as claimed. Salkewicz discloses a method for simultaneously enabling a first of a plurality of IP enabled devices to obtain IP services available only within an access provider network and a second of the IP enabled devices to obtain IP services available through an ISP (*column 5, lines 9-18; fig. 1*), the IP enabled devices residing on a LAN with an access device (*column 11, lines 57-63; fig. 13*), the access provider network comprising a managed network of layer 2 and layer 2/3 communications elements (*column 12, lines 60-67; fig. 14*), comprising:

providing a first communication link between an IP aware e-center and a first one of the access provider network layer 2/3 communications elements, the e-center comprising an additional layer 3 communications element in communication with a host configuration server (*column 12, lines 60-67; column 11, lines 12-15; fig. 5, items VN1.1, VN1.2, VCC1, VCC4*);

providing a second communication link between a second one of the access provider network layer 2/3 communications elements and the ISP ();
providing a third communication link between the access device and the first access provider network layer 2/3 communications element (*column 12, lines 64-67; column 5, lines 9-18; fig. 5, items VN2.1, VN2.2, VCC2, VCC3*);

However, Salkewicz is silent on how to transmit a first IP address to the first IP enabled device from the host configuration server, the first IP address providing access to the services available only within the access provider network. Salkewicz is further silent on how to transmit a second IP address to the second IP enabled device from the ISP network, the second IP address providing access to the services available through the ISP.

In the same field of endeavor, Borella et al disclose a first computer network with a network address and a second computer network with a different network address, and said networks are connected with a network access service provider with a router that routes data packets to and from the first computer network to the second computer network, using network IP addresses (*column 5, lines 35-43; fig. 1, items 12-42; it is important to note that the first IP address comes from the first network and that the second IP address comes*

from the second network and that a router is available for the transmission of the IP addresses).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Borella et al's teachings of dual network address utilization with the teachings of Salkewicz, for the purpose of improving the ability of a network user to change network domain as stated by Salkewicz in lines 40-41 of column 9.

Regarding **claim 16:** The combination Salkewicz-Borella et al teaches the method of claim 15, wherein the transmitting a first IP address step comprises transmitting the first IP address to the access device, generating at the access device a third IP address, and transmitting the third IP address to the first IP enabled device [*see Borella, column 5, lines 29-52*]. By this rationale **claim 16** is rejected.

Regarding **claim 17:** The combination Salkewicz-Borella et al teaches the method of claim 16, wherein the third IP address is generated using NAT protocol [see *Borella et al, column 1, lines 32-41*]. By this rationale **claim 17** is rejected.

Regarding **claim 18:** The combination Salkewicz-Borella et al teaches the method of claim 15, wherein the transmitting a second IP address step comprises transmitting the second IP address to the access device, generating at the access device a fourth IP, and transmitting the fourth IP address to the second IP enabled device (*Borella teaches a plurality of computer networks with a network access provider and a number of network switches to transmit*

dynamically the network addresses) [*see Borella, column 5, lines 29-52*]. By this rationale **claim 18** is rejected.

Regarding **claim 19:** The combination Salkewicz-Borella et al teaches the method of claim 18, wherein the fourth IP address is generated using NAT protocol [see *Borella et al, column 1, lines 32-41*]. By this rationale **claim 19** is rejected.

4. Claims 20-21, and 25 are rejected under 35 U.S.C. 102(e) as being unpatentable by Salkewicz (U.S. 6,609,153 B1) in view of Giniger et al (U.S. 6,751,729 B1)

Regarding **claim 20:** Salkewicz discloses the invention as claimed. Salkewicz discloses a system for establishing a plurality of simultaneous personalized IP service sessions over a single connection to an access provider network, comprising:

a plurality of IP enabled devices and an access gateway residing on a LAN [*see Salkewicz, column 11, lines 57-63; column 6, lines 3-7;column 5, lines 57-67; figs. 2A-2) it is important to note that the router here replaces a gateway since it is used as a link between LANs*]; and

an ingress layer 2/3 communications element within the access provider network in communication with the access gateway [*see Salkewicz, column 12, lines 60-67; fig. 14 it is important to note that for an ordinary skill in the art, the term ingress is used to for those activities that occur in direction of an origination host to the network*];

an access gateway and ingress layer 2/3 communications element [*see Salkewicz, column 12, lines 60-67; column 13, lines 1-7*]. However, Salkewicz does not explicitly disclose adapting the access gateway and ingress layer 2/3 communications element to recognize and redirect based on the recognition multiple instances of PPP frames being transmitted to and from the IP enabled devices simultaneously.

In the same field of endeavor, Giniger et al teach a Point-to-Point Tunneling Protocol that encrypts data layer PPP frames and transmits them across the network simultaneously with an IP header to the encrypted PPP frames and routers [*see Giniger et al, column 1, lines 51-61*]. Giniger et al further disclose IP packets that use relay agents to redirect to request of broadcast packets routers [*see Giniger et al, column 11, lines 38-46*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time of the invention to have incorporated *Giniger et al's teachings of recognition and redirection of PPP frames with the access gateway and ingress layer 2/3 communications element of* Salkewicz for the purpose of allowing the network user to change network domain as stated by Salkewicz in lines 40-41 of column 9.

Regarding **claim 21:** The combination Salkewicz- *Giniger* et al teaches the method of claim 20, wherein the access gateway and ingress layer 2/3 communications element is further adapted to simultaneously recognize and redirect based on the recognition at least one instance of IP packets being transmitted to and from at least one of the IP enabled devices [*see Giniger et al,*

column 1, lines 51-61, column 11, lines 38-46]. By this rationale **claim 21** is rejected.

Regarding **claim 25:** The combination Salkewicz- *Giniger* et al teaches the method of claim 20, wherein the communicating a third IP address comprises generating a third IP address at the access device Network Address Translation (NAT) protocol and transmitting the third address to the IP enabled device over the LAN [see *Salkewicz, column 4, line 8; column 8, lines 22-34; column 11, lines 54-59*]. By this rationale **claim 25** is rejected.

5. Claims 22-24 are rejected under 35 U.S.C. 102(e) as being unpatentable by Salkewicz (U.S. 6,609,153 B1) in view of Allard et al (U.S. 5,729,689)

Regarding **claim 22:** Salkewicz discloses the invention as claimed. Salkewicz discloses a method for providing personalized IP services to an IP enabled device residing on a local area network (LAN) with an access device, the access device in communication with an access provider network [*see Salkewicz, column 11, lines 54-59; column 5, lines 12-18*], composing:

communicating a first IP address to the access device, the first address allowing the access device to communicate with a first plurality of IP service devices through an Internet service provider (ISP), the ISP in communication with the access network [*see Salkewicz column 5, lines 9-18; fig. 1B*];

communicating a second IP address to the access device, the second address allowing the access device to communicate with a second plurality of IP

service devices in the access provider network[*see Salkewicz column 5, lines 9-18; fig. 1B*];

communicating a third IP address to the enabled device, the third IP address allowing the IP enabled device to send and receive IP packets over the LAN; receiving IP traffic from the IP enabled device at the access device[*see Salkewicz, column 11, lines 54-59; column 5, lines 12-18*];

determining at the access device whether the IP traffic is addressed to one of the second IP service devices[*see Salkewicz, column 3, lines 21-38; fig. 1B*];

However Salkewicz does not explicitly disclose forwarding the IP traffic to the one of the second IP service devices with the second address as a return address if the determining step is positive; and forwarding the IP traffic to the ISP with the first address as the return address if the determining step is negative.

In the same field of endeavor, Allard et al depicts what is often referred to as "*a controller converter that builds a positive response packet containing DNS name and its associated IP address. Thereafter, the positive response packet is transmitted to the DNS client according to the DNS protocol. Control is then passes to the end step*"[*see Allard, column 17, lines 35-39, column 18, lines 1-10; fig. 11, items 274, 256, 252-4, and 292*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time of the invention to have incorporated Allard et al's teachings of determining positive response to forward source IP address with the

LAN access device of Salkewicz for the purpose of allowing the network user to change network domain as stated by Salkewicz in lines 40-41 of column 9.

Regarding **claim 23:** The combination Salkewicz- Allard et al teaches method of claim 22 wherein the communicating a second IP address step comprises leasing the second IP address to the access device using DHCP. The examiner takes Official Notice (see MPEP 2144.03) that using DHCP on an access devise to lease an IP address is extremely well known in the art). By this rationale **claim 23** is rejected.

Regarding **claim 24:** The combination Salkewicz- Allard et al teaches the method of claim 22 wherein the communicating a second IP address step comprises leasing the second IP address to the access device using RADIUS. [*see Salkewicz, column 15, lines 27-29*]. By this rationale **claim 24** is rejected.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salkewicz-Borella as applied to claim 1 above, and further in view of Ishii (*U.S. Patent No. 6,542,935 B1*).

Regarding **claim 2:** Salkewicz and Borella et al teach the system of claim 1, wherein the IP enabled device composes an IP telephone [*see Borella et al, column 5, line 17-18; fig. 1, item 22*], the provider network further comprises a public switched telephone network (PSTN) gateway in communication with the provider network layer 2/3 communications element [*see Salkewicz, column 12; lines 64-67*], and the e-center comprises a layer 3 router [*see Salkewicz, column 12; lines 50-53*]. However, both Salkewicz and Borella et al fail to teach an e-center that further comprises a call agent in communication with the e-center layer 3 router for coordinating the operations of the IP telephone and the PSTN gateway.

In the same field of endeavor, Ishii discloses a call agent that is responsible for handling call signaling messages for any device attached to the LAN with respect to IP address assignment [*see Ishii, column 6, lines 56-60*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Ishii's teachings of storing current IP address of endpoint devices in a telephone call agent with the teachings of Salkewicz and Borella et al, for the purpose of configuring, managing and or monitoring network device operations as stated by Salkewicz in lines 59-61 of column 3.

Conclusion

7. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

October 25, 2004